

REGULAR MEETING  
September 11, 2000

The Regular Meeting of the Annapolis City Council was held on September 11, 2000 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: Assistant City Attorney Ruff

Closed Session: *Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a)(i), this statement is included in these minutes:*

*A closed session of the City Council was held at 7:06 p.m., Monday, September 11, 2000 in the City Council Chamber.*

*Present: Mayor Johnson, Aldermen Hammond, Tolliver, Sachs, Moyer, Assistant City Attorney Ruff, City Clerk Heinbuch, Human Resources Director Milburn, Anthony Spencer*

*Alderman Carter arrived at 7:09 p.m.*

*By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(i). The purpose of the meeting was the confirmation of the appointment of the Equal Opportunity/Minority Business Enterprise Officer. The following action was taken: Confirmation of the Mayor's appointment of Anthony Spencer as Equal Opportunity/Minority Business Enterprise Officer effective September 13, 2000 at a salary of \$45,852.03 per annum; grade C30, Step 8.*

Alderman Moyer moved to adopt the agenda as presented. Seconded. CARRIED on voice vote.

Alderman Sachs moved to approve the Minutes of July 10, 2000 and July 24, 2000. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

- C Mayor Johnson announced the appointment of Anthony Spencer as Equal Opportunity/Minority Business Enterprise Officer.
- C Mayor Johnson proclaimed the week of September 17-23, 2000 to be Constitution Week.
- C Mayor Johnson proclaimed the week of September 18-22, 2000 to be Lawsuit Abuse Awareness Week.
- C Mayor Johnson and Transportation Director Matland issued a Distinguished Business Certificate to Greyhound Lines, Inc., in recognition of re-established bus service to the City of Annapolis.
- C Mayor Johnson and Human Resources Director Milburn presented the following employee recognition awards:  
  
Gary S. Simpson, Police Department . . . . . 30 Years of Service  
Robert Moore, Public Works Department . . . . . 25 Years of Service

- C Mayor Johnson and Human Resources Director Milburn acknowledged the retirement of the following employees:

John Groh, Police Department . . . . . 27 Years of Service  
Keith McPhail, Public Works Department. . . . . 17 Years of Service  
Charles Simms, Public Works Department. . . . . 14 Years of Service

1. Arthur Kungle  
8 Gentry Court, Box 365  
Annapolis, Maryland 21404

Spoke regarding health and history update

2. Doug Colley  
109 Magnolia Lane  
Hillsmere Shores  
Annapolis, Maryland 21403

Spoke in opposition to the Alcoholic Beverage Control Board requirement that holders of Class A licenses order every purchaser of alcohol to display identification as a proof of age before allowing the sale

3. John S. Kalme  
1136 Cove Road, Apt. 202  
Annapolis, Maryland 21403

Spoke in favor of R-20-00

4. Julie Stankivic  
906 Primrose Road, Apt. 204  
Annapolis, Maryland 21403

Spoke in opposition to O-24-00

5. Deborah Wood  
Chesapeake Children's Museum  
1332 Swan Drive  
Annapolis, Maryland 21401

Spoke in favor of O-27-00

6. Raven Barnes  
72 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-7-00 and the changes that impact family histories

7. Nancy Rea  
Ward Two Citizens Coalition  
413 Schley Road  
Annapolis, Maryland 21401

Spoke in favor of R-21-00

8. Kernell Hunt Sr.  
1840 Bowman Court  
Annapolis, Maryland 21401

Spoke in favor of O-19-99 and O-7-00

9. Robert Worden  
30 Murray Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

10. Ivon Paulin  
66 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

11. Gavin Buckley  
4 German Street  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

12. Gretchen Clift  
Ward Two Citizens Coalition  
6 Kent Road  
Annapolis, Maryland 21401

Spoke regarding Annapolis Visitor's Center

13. Stewart Knower  
10 Constitution Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

14. Erich Rose  
Inner West Street Development Committee  
62 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

15. Minor Carter  
Ward One Residents Association  
36 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

16. Sandy Hillyer  
President, Murray Hill Residents Associaton  
100 Lafayette Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

17. Harold Lloyd  
72 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in opposition to O-19-99 and O-7-00

18. Michael Parker  
28 Madison Place  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

19. Jim Martin  
Inner West Street Association  
29 Bristol Drive  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

20. Brian Cahalan  
264 King George Street  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

21. Whitney Chellis  
18 Lafayette Avenue  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

22. Arthur F. Greenbaum  
Citizens for Good Government  
7 Constitution Square  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

23. Gay Crowther  
196 Prince George Street  
Annapolis, Maryland 21401

Spoke in opposition to R-30-00

24. Allen Furth  
3 Charles Street  
Annapolis, Maryland 21401

Spoke in favor of R-30-00

### LEGISLATIVE ACTION

The order of the agenda was amended to allow for legislative action on R-32-00.

- R-32-00 For the purpose of specifically exempting from the operation of § 2.08.040 G of the City Code monies raised by the family and friends of Paul Garvey Goetzke, City Attorney, for the benefit of Mr. Goetzke, his wife and children; and all matters relating to said monies.**

Alderman Sachs moved to adopt R-32-00 on first reading. Seconded.  
CARRIED on voice vote.

Alderman Moyer moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt R-32-00 on second reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

### ORDINANCES

**O-49-99 For the purpose of authorizing the Second Amendment to Lease dated 1/1/95 as modified by an Amendment to Lease dated November 13, 1997 with Eastport Seafood Company and Eastport LLC for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said Second Amendment to Lease.**

There being no voice objection O-49-99 was postponed.

**O-12-00 For the purpose of revising the definition of "accessory/appurtenant structure" by removing the greater than three hundred square feet and one story requirement; and matters generally relating to said definition.**

Alderman Sachs moved to adopt O-12-00 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-12-00 with the condition that the Department of Planning and Zoning develop regulations determining size, height, uses, and set back.

Alderman Tolliver moved to table O-12-00 until regulations determining size, height, uses, and set back are developed by the Department of Planning and Zoning. Seconded. CARRIED on voice vote.

**O-13-00 For the purpose of approving the assignment of an existing Lease Agreement between the City of Annapolis and Cousins Team I, L.L.C. to Cousins Team II, L.L.C.; and all matters relating to said Lease.**

Alderman McMillan moved to adopt O-13 -00 on second reading. Seconded.

The Finance Committee reported favorably unless amended on O-13-00.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-13 -00 on third reading. Seconded. CARRIED on voice vote.

**O-17-00 For the purpose of establishing that persons found guilty of violating Section 11.20.010 shall be subject to mandatory penalties as established by the State of Maryland and mandatory drug counseling; and matters generally relating to said controlled dangerous substances.**

The Public Safety Committee deferred action pending the receipt of additional information.

Without objection, O-17-00 was postponed.

**O-21-00 For the purpose of authorizing an Addendum to Lease Agreements**

**between the United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc. and the City of Annapolis for the previously approved 2000, 2001, 2002 and 2003 boat shows for the purpose of removing references to the Edgewood Road property from Section 1.2 "Revision to Premises" of the Leases; and all matters relating to said Addendum to Lease Agreements.**

Alderman Hammond moved to adopt O-21-00 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-21-00.

The Finance Committee reported favorably on O-21-00.

The main motion CARRIED on voice vote.

Alderman Moyer moved to adopt O-21-00 on third reading. Seconded. CARRIED on voice vote.

**O-23-00 For the purpose of substituting the buffer exemption area(BEA) maps of the City of Annapolis Critical Area Map approved in conjunction with the adoption of Ordinance O-06-2000 for the BEA maps approved by the State Critical Areas Commission.**

Alderman Moyer moved to adopt O-23-00 on first reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to suspend the rules to dispense with the fiscal impact note, the referral to standing committee and third reading on O-23-00. Seconded.

Statement of Intent: The Annapolis City Council unanimously adopted Ordinance O-06-00 and the new Buffer Exemption Area(BEA) maps on July 10, 2000. The intent of the Annapolis City Council is to accept the BEA maps as approved by the State of Maryland Chesapeake Bay Critical Area Commission, and support their exclusion of the R4(Lot 6).

Following discussion, O-23-00 was withdrawn.

**O-24-00 For the purpose of appropriating one million two-hundred fifty thousand dollars(\$1,250,000) of the General Fund - *Undesignated Fund Balance* in the FY 2001 Operating Budget for road resurfacing; and all matters generally relating to said General Fund- *Undesignated Fund Balance* appropriation.**

Alderman McMillan moved to adopt O-24-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

**O-25-00 For the purpose of approving the application of Anne Arundel Health System; Inc. to amend the zoning classification of a portion of Lot 1115, tax map 4z, generally located between South Street and Charles Street in the City of Annapolis; to reclassify a .113 acre portion of this parcel from C1, Conservation Residence District to P, Professional Office; and matters generally relating to said zoning map amendment.**

Alderman Tolliver moved to adopt O-25-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission

- O-27-00      For the purpose of consenting to the assignment of a lease of a certain city-owned real estate to Chesapeake Children's Museum, a nonprofit organization; and all matters relating to said lease.**

Alderman Sachs moved to adopt O-27-00 on first reading. Seconded.  
CARRIED on voice vote.

Referred to the Economic Matters Committee

Referred to the Finance Committee

Fiscal Impact note on leases A & B requested

### RESOLUTIONS

- R-16-00      For the purpose of designating a certain area including 1813 Bowman Drive and those areas located within five hundred feet thereof in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-16-00 on second reading. Seconded.  
CARRIED on voice vote.

Alderman Tolliver abstained.

- R-17-00      For the purpose of designating a certain area including 1826 Bowman Drive and those areas located within five hundred feet thereof in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-17-00 on second reading. Seconded.  
CARRIED on voice vote.

Alderman Tolliver abstained.

- R-18-00      For the purpose of designating a certain area including 1837 Bowman Drive and those areas located within five hundred feet thereof in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman Fox moved to adopt R-18-00 on second reading. Seconded.  
CARRIED on voice vote.

Alderman Tolliver abstained.

- R-19-00      For the purpose of designating a certain area including 1840 Bowman Court and those areas located within five hundred feet thereof in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-19-00 on second reading. Seconded.  
CARRIED on voice vote.

Alderman Tolliver abstained.

- R-21-00      For the purpose of supporting the Management Plan for the Annapolis, London Town and South County Heritage Area; and all matters relating**

**to said Heritage Area.**

Alderman Fox moved to adopt R-21-00 on second reading. Seconded.

Alderman Tolliver moved to amend R-21-00 as follows:

On page 1, in line 16, after “supporting”, insert , with certain exceptions.

On page 2, following line 2, add

Whereas, the City’s approval of funding for seed money for the plan’s implementation in FY 2001 provided specifically that the City did not thereby endorse a site for a new Visitors’ Center on Rowe Boulevard, pending thorough study of possible sites and impact on neighboring communities; and

On page 2, in line 8, after “Plan” insert , except that the City Council does not hereby endorse a proposed site for a new Visitors’ Center on Rowe Boulevard, and

On page 2, in line 15, following “hereto”, insert , except that the City Council does not hereby endorse a proposed site for a new Visitors’ Center on Rowe Boulevard

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

**R-29-00 For the purpose of authorizing the negotiation of a payment in lieu of property taxes assessed against the affordable housing units to be constructed by Homes on the Glen Limited Partnership; and all matters relating to said payment.**

Alderman McMillan moved to adopt R-29-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee  
Referred to Housing and Human Welfare

**R-30-00 For the purpose of prohibiting the sale of city owned property located at 161-181 West Street and 1A Colonial Avenue, Annapolis, Maryland, known as the Cecil Knighton Property; and all matters relating to said ban of sale.**

Alderman Gilmer moved to adopt R-30-00 on first reading. Seconded. DEFEATED on voice vote.

**R-31-00 For the purpose of recognizing Richard B. Callahan, the former Parks and Recreation Director, for his service to the citizens of the City of Annapolis; and all matters relating to said recognition.**

Alderman Hammond moved to adopt R-31-00 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Sachs Moved to adopt R-31-00 on second reading. Seconded. CARRIED on voice vote.

**R-33-00 For the purpose of revising the fare structure and adjusting rates charged for transit and para-transit services operated by the City; and**



**all matters relating to said changes.**

Alderman Hammond moved to adopt R-33-00 on first reading. Seconded.  
CARRIED on voice vote.

Referred to Finance Committee

**Business and Miscellaneous**

1. Finance Committee Recommendations for Action dated August 17, 2000

Alderman Sachs moved to adopt the Finance Committee Recommendations for Action dated August 17, 2000. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointments

Alderman Sachs moved to approve the Mayor's appointments of the following individuals:

Human Relations Commission .....	Deborah Cross
Human Relations Commission .....	Jihan Nichet Hawkins
Housing Authority Commission .....	Mary Lou Pontius
Port Wardens .....	Gene Edwin Godley
Port Wardens .....	Lawrence W. Littig
Public Safety Disability Retirement Board .....	Victor Deleon
Public Safety Disability Retirement Board .....	Andrew B. Greenspan

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:00 p.m.

Deborah Heinbuch, CMC/AAE  
City Clerk